

INTERPRETER

U.S. District Court
Southern District of Florida (Ft Lauderdale)
CRIMINAL DOCKET FOR CASE #: 0:18-mj-06127-PMH-1
Internal Use Only

Case title: USA v. Yabrudi

Date Filed: 03/20/2018

Date Terminated: 04/02/2018

Assigned to: Magistrate Judge
Patrick M. Hunt

Defendant (1)

Gustavo Adolfo Yabrudi
17352-104
YOB 1978 Spanish
TERMINATED: 04/02/2018

represented by **David William Macey**
David W Macey PA
135 San Lorenzo Avenue
Suite 830
Miami, FL 33146
305-860-2562
Fax: 305-675-5841
Email: dm@davidmacey.com
ATTORNEY TO BE NOTICED
Designation: Temporary

Leonardo E. Concepcion
Law Office of Leonardo E. Concepcion, P.A.
135 San Lorenzo Ave
Penthouse-830
Coral Gables, FL 33146
(305) 791-6529
Email: lconcepcionlaw@gmail.com
ATTORNEY TO BE NOTICED
Designation: Temporary

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints**Disposition**

18:U.S.C. §1956(h)
 CONSPIRACY TO COMMIT
 MONEY LAUNDERING

Plaintiff

USA

represented by **Jennifer Andrene Keene**
 United States Attorney's Office
 500 E Broward Boulevard
 7th Floor
 Fort Lauderdale, FL 33301-3002
 954-660-5796
 Fax: 356-7336
 Email: Jennifer.Keene@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Page	Docket Text
03/20/2018	<u>1</u>	4	Magistrate Removal of Complaint AND Arrest Warrant from EASTERN DISTRICT OF TEXAS Case number in the other District 4:18-MJ-73 as to Gustavo Adolfo Yabrudi (1). (at) (Main Document 1 replaced on 3/20/2018) (at). (Main Document 1 replaced on 3/20/2018) (at). (Entered: 03/20/2018)
03/20/2018			Arrest of Gustavo Adolfo Yabrudi (at) (Entered: 03/20/2018)
03/20/2018			Set Hearings as to Gustavo Adolfo Yabrudi: Initial Appearance – Rule 5(c)(3)/40 set for 3/20/2018 AT 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. (at) (Entered: 03/20/2018)
03/20/2018	<u>2</u>	13	Order to Unseal as to Gustavo Adolfo Yabrudi re <u>1</u> Magistrate Removal In. (Signed by Magistrate Judge Patrick M. Hunt on 3/20/2018). (at) (Entered: 03/20/2018)
03/20/2018	<u>3</u>	14	Minute Order for proceedings held before Magistrate Judge Patrick M. Hunt: Initial Appearance in Rule 5(c)(3)/Rule 40 Proceedings as to Gustavo Adolfo Yabrudi held on 3/20/2018. Detention Hearing set for 3/27/2018 10:30 AM in Fort Lauderdale Division before FTL Duty Magistrate. Removal Hearing set for 3/27/2018 10:30 AM in Fort Lauderdale Division before FTL Duty Magistrate. Report Re: Counsel Hearing set for 3/23/2018 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. Spanish Interpreter present. (Digital 11:20:58) (Signed by Magistrate Judge Patrick M. Hunt on 3/20/2018). (at) (Entered: 03/20/2018)
03/22/2018	<u>4</u>	15	NOTICE OF TEMPORARY ATTORNEY APPEARANCE: David William Macey appearing for Gustavo Adolfo Yabrudi (Macey, David) (Entered: 03/22/2018)

03/27/2018	<u>5</u>	16	Minute for proceedings held before Magistrate Judge Lurana S. Snow: Detention Hearing as to Gustavo Adolfo Yabrudi not held on 3/27/2018., (Status Conference re Detention set for 3/28/2018 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate.), Spanish Interpreter present. (Digital 10:13:18) Signed by Magistrate Judge Lurana S. Snow on 3/27/2018. (tpl) (Entered: 03/27/2018)
03/28/2018	<u>6</u>	17	WAIVER of Timely Pretrial Detention Hearing, by Gustavo Adolfo Yabrudi. (tw) (Entered: 03/28/2018)
03/28/2018			Hearings as to Gustavo Adolfo Yabrudi: Detention Hearing set for 4/2/2018 10:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. Removal Hearing set for 4/2/2018 10:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. (tw) (Entered: 03/28/2018)
04/02/2018	<u>7</u>	18	NOTICE OF TEMPORARY ATTORNEY APPEARANCE: Leonardo E. Concepcion appearing for Gustavo Adolfo Yabrudi (at) (Entered: 04/02/2018)
04/02/2018	<u>8</u>	19	Minute Order for proceedings held before Magistrate Judge Patrick M. Hunt: Detention Hearing as to Gustavo Adolfo Yabrudi held on 4/2/2018. Witness Ralph Woods testified., Removal Hearing as to Gustavo Adolfo Yabrudi held on 4/2/2018. Court finds probable cause and order defendant removed. Spanish Interpreter present. (Digital 10:03:21) (Signed by Magistrate Judge Patrick M. Hunt on 4/2/2018). (at) (Entered: 04/02/2018)
04/02/2018	<u>9</u>	20	COMMITMENT TO ANOTHER DISTRICT as to Gustavo Adolfo Yabrudi. Defendant committed to District of Eastern District of Texas. Closing Case for Defendant. (Signed by Magistrate Judge Patrick M. Hunt on 4/2/2018). (at) NOTICE: If there are sealed documents in this case, they may be unsealed after 1 year or as directed by Court Order, unless they have been designated to be permanently sealed. See Local Rule 5.4 and Administrative Order 2014-69. (Entered: 04/02/2018)
04/02/2018	<u>10</u>	21	ORDER OF DETENTION as to Gustavo Adolfo Yabrudi. See attached Order. Signed by Magistrate Judge Patrick M. Hunt on 4/2/2018. (PMH) (Entered: 04/02/2018)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 18-6127-Hunt

UNITED STATES OF AMERICA,
Plaintiff

vs.

Gustavo Adolfo Yabrudi,
Defendant

_____ /

ORDER

THIS CAUSE is before the Court for the initial appearance of the above-named defendant(s) on a SEALED COMPLAINT.

UPON ORAL motion of the government in open court that the complaint be unsealed, it is hereby

ORDERED AND ADJUDGED that the SEALED COMPLAINT be unsealed as to all parties in this case.

DONE AND ORDERED at Fort Lauderdale, Florida this 20th day of March, 2018.



PATRICK M. HUNT
UNITED STATES MAGISTRATE JUDGE

cc: All Counsel

COURT MINUTES/ORDER

United States Magistrate Judge Patrick M. Hunt

Date: 03/20/18 Time: 11:00 a.m.

Defendant: Gustavo Adolfo Yabrudi J#: 17352-104 Case #: 18-6127-HuntAUSA: Jennifer Keene Duty Attorney: _____Violation: Conspiracy to Commit Money Laundering (Eastern District of Texas)Proceeding: Initial Appearance/ Removal CJA Appt: _____Bond/PTD Held: ☐ Yes ☐ No Recommended Bond: PTD

Bond Set at: _____ Co-signed by: _____

☐ Surrender and/or do not obtain passports/travel docs☐ Report to PTS as directed/or _____ x's a week/month by phone: _____ x's a week/month in person☐ Random urine testing by Pretrial Services☐ Treatment as deemed necessary☐ Refrain from excessive use of alcohol☐ Participate in mental health assessment & treatment☐ Maintain or seek full-time employment/education☐ No contact with victims/witnesses☐ No firearms☐ Not to encumber property☐ May not visit transportation establishments☐ Home Confinement/Electronic Monitoring and/or☐ Curfew _____ pm to _____ am, paid by _____☐ Allowances: Medical needs, court appearances, attorney visits, religious, employment☐ Travel extended to: _____☐ Other: _____

Language: _____

All parties present.

NEXT COURT APPEARANCE	Date:	Time:	Judge:	Place:
Report RE Counsel:	<u>3/23/18</u>	<u>11:00AM</u>	<u>Heent</u>	<u>FTL</u>
PTD/Bond Hearing:	<u>3/27/18</u>	<u>10:30AM</u>	<u>SNOW</u>	<u>FTL</u>
Prelim/Arraign or Removal:	<u>3/27/18</u>	<u>10:30AM</u>	<u>SNOW</u>	<u>FTL</u>
Status Conference RE:				

Check if ☐ The motion to continue to permit the defendant to hire counsel is GRANTED. The time from today through the rescheduled date is excluded from the deadline for trial as computed under the Speedy Trial Act, since the ends of justice served by granting this continuance outweigh the interests of the defendant and the public in speedy trial.

D.A.R. 11:20:58Time in Court: 15 mins

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA (Ft. Lauderdale)

CASE NO. : 0:18-mj-06127-PMH-1

UNITED STATES OF AMERICA,

v.

GUSTAVO ADOLFO YABRUDI,

Defendant.

NOTICE OF TEMPORARY APPEARANCE AS COUNSEL

COMES NOW the undersigned counsel, David W. Macey, and enters this Notice of Temporary Appearance as counsel for the defendant, **GUSTAVO ADOLFO YABRUDI**, in the above-styled matter. This appearance is only for the limited purpose of representing defendant at the Detention Hearing and Removal Hearing set for March 27, 2018, at 10:30 a.m. before the FTL Duty Magistrate.

Dated: March 22, 2018

Respectfully submitted,

s/ David W. Macey
David W. Macey, Esq.
Florida Bar No.: 185612
Law Offices of David W. Macey, P.A.
135 San Lorenzo Avenue, PH-830
Coral Gables, FL 33146
Telephone: (305) 860-2562
Facsimile: (305) 675-5841
Email: dm@davidmacey.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 22, 2018, the undersigned electronically filed the foregoing document with the Clerk using CM/ECF.

By: s/ David W. Macey
David W. Macey, Esq.

UNITED STATES DISTRICT COURT FOR SOUTHERN DISTRICT OF FLORIDA **COURT MINUTES**
U.S. MAGISTRATE JUDGE LURANA S. SNOW - FORT LAUDERDALE, FLORIDA ROOM 203-D

DEFT: GUSTAVO YABRUDI (J)#17301-104 CASE NO: 18-6127-HUNT
AUSA: J. KEENE (S BEHNKE COVERING FOR KEENE) ATTY: DAVID W. MACEY
USPO: VIOL: 18:USC§ 1956

PROCEEDING: PRETRIAL DETENTION AND REMOVAL HEARING RECOMMENDED BOND:

BOND/PTD HEARING HELD - yes / no COUNSEL APPOINTED:

BOND SET @: HEARINGS NOT HELD To be cosigned by:

- ☐ All standard conditions
- ☐ Do not encumber property.
- ☐ Surrender and / or do not obtain passports / travel documents.
- ☐ Rpt to PTS as directed / or x's a week/month by phone; _ x's a week/month in person.
- ☐ Random urine testing by Pretrial Services. Treatment as deemed necessary.
- ☐ Maintain or seek full - time employment.
- ☐ No contact with victims / witnesses.
- ☐ No firearms.
- ☐ Electronic Monitoring:
- ☐ Travel extended to:
- ☐ Other:

**** SPANISH INTERPRETER REQUESTED ****

DEFENDANT PRESENT IN COURT WITH COUNSEL

ATTORNEY DAVID MACEY INFORMS THE COURT

OF A POSSIBLE CONFLICT IN THIS CASE

HE REPRESENTS A CO-DEFT IN A RELATED CASE

REQUEST MATTER TO BE RE-SET FOR TOMORROW

FOR A STATUS. WILL TRY TO CONTACT OTHER

ATTORNEY.

NEXT COURT APPEARANCE: DATE: TIME: JUDGE: PLACE:

REPORT RE
COUNSEL:

PTD/BOND
HEARING:

PRELIM/ARRAIGN OR
REMOVAL:

STATUS RE
DETENTION:

WEDNESDAY MARCH 28, 2018 AT 11 AM DUTY (SNOW)

DATE: 3/27/18 TIME: 10:30 AM FTL/TAPE/#
LSS-

Begin DAR:

[15 MINS]

THE TIME FROM TODAY THROUGH THE RE-SCHEDULED DATE IS EXCLUDED FROM THE DEADLINE FOR TRIAL AS COMPUTED UNDER THE SPEEDY TRIAL ACT ** YES OR NO DAR:10:13:18-10:23:11

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 18-6127-HUNT
UNITED STATES OF AMERICA

vs
Gustavo YABARD:

WAIVER OF TIMELY PRETRIAL DETENTION HEARING

The defendant having been advised of the right to a timely pretrial detention hearing, and the defendant having refused and waived a timely pretrial detention hearing,

The defendant now signs this Waiver of a Timely Pretrial Detention Hearing

DATED: 3/28/18 X Gustavo Yabard
Defendant

MAGISTRATE JUDGE'S CERTIFICATE

The U. S. Magistrate Judge certifies that the defendant, after being advised of the right to a pretrial detention hearing within five (5) days from the defendant's initial appearance has stated that he/she refused such a timely hearing and signed the foregoing waiver. IT IS ORDERED that a timely hearing in the above-entitled matter is refused and waived, and the defendant is rescheduled for a pretrial detention hearing.

DATED: 3/28/18 Lurana S. Snow
LURANA S. SNOW
UNITED STATES MAGISTRATE JUDGE

cc: All Counsel of Record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-6127

UNITED STATES OF AMERICA
Plaintiff,

vs.

NOTICE OF **TEMPORARY**
APPEARANCE OF COUNSEL

Gustavo A. Valderrama Defendant(s),

COMES NOW Leonardo E Concepción and

files this temporary appearance as counsel for the above names defendant(s). This appearance is made with the understanding that the undersigned counsel will fulfill any obligations imposed by the Court such as preparing and filing documents necessary to collateralize any personal bond which may be set.

Counsel's Name (Printed): Leonardo Concepción

Counsel's Signature: [Signature]

Counsel's Address: 135 San Lorenzo Ave

City GG State FL Zip Code 33146

Telephone: 305-519-4510

Bar Number: 0106317

Date: 4/2/18

COURT MINUTES/ORDER**United States Magistrate Judge Patrick M. Hunt**

Date: 04/02/18 Time: 10:00 am

Defendant: Gustavo Adolfo Yabrudi (J) J#: 17352-104 Case #: 18-6127-HuntAUSA: Jennifer Keene (Bruce Brown Duty) Attorney: David W. Macey, Esq (TEMP)Violation: Removal from Eastern District TexasProceeding: PTD and Removal Hearing CJA Appt: _____Bond/PTD Held: ☐ Yes ☐ No Recommended Bond: _____

Bond Set at: _____ Co-signed by: _____

☐ Surrender and/or do not obtain passports/travel docsLanguage: SPANISH☐ Report to PTS as directed/or _____ x's a week/month by phone: _____ x's a week/month in person

Disposition: _____

☐ Random urine testing by Pretrial Services _____

All parties present - _____

☐ Treatment as deemed necessary _____

Govt proceed by proffer - S/A Ralph _____

☐ Refrain from excessive use of alcohol _____

Woods sworn - Cross- Redirect. _____

☐ Participate in mental health assessment & treatment _____

Argument by sides. The court grants _____

☐ Maintain or seek full-time employment/education _____

the govt motion for PTD. The courts _____

☐ No contact with victims/witnesses _____

denies the deft's motion to dismiss the complaint. _____

☐ No firearms _____

The court finds probable cause and _____

☐ Not to encumber property _____

order the deft removed. _____

☐ May not visit transportation establishments _____☐ Home Confinement/Electronic Monitoring and/or _____

Leonardeo Concepcion, Esq filed Notic _____

☐ Curfew _____ pm to _____ am, paid by _____

of Temp Appearance Of Counsel. _____

☐ Allowances: Medical needs, court appearances, attorney visits, religious, employment _____☐ Travel extended to: _____☐ Other: _____**NEXT COURT APPEARANCE**

Date: _____

Time: _____

Judge: _____

Place: _____

Report RE Counsel: _____

PTD/Bond Hearing: _____

Prelim/Arraign or Removal: _____

Status Conference RE: _____

Check if ☐ The motion to continue to permit the defendant to hire counsel is GRANTED. The time from today through the rescheduled date is excluded from the deadline for trial as computed under the Speedy Trial Act, since the ends of justice served by granting this continuance outweigh the interests of the defendant and the public in speedy trial.

D.A.R. 10:03:21Time in Court: 1 hour

UNITED STATES DISTRICT COURT

SOUTHERN

District of

FLORIDA

UNITED STATES OF AMERICA

V.

COMMITMENT TO ANOTHER
DISTRICT

Gustavo Adolfo Yabrudi

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

Eastern District of Texas

4:18MJ73

SOUTHERN DISTRICT OF
FLORIDA

18-6127-Hunt

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

Indictment

☐ Information☒ Complaint☐ Other:

DISTRICT OF OFFENSE:

Eastern District of Texas

CHARGES:

Conspiracy to Commit Money Laundering

CURRENT BOND STATUS:

☐ Bail fixed at \$

and conditions were not met

☒ Government moved for detention and defendant detained after hearing in District of Arrest☐ Government moved for detention and defendant detained pending detention hearing in District of Offense☐ Other (specify)

Representation:

☐ Retained Own Counsel☐ Federal Defender Organization☐ CJA Attorney☐ None

Interpreter Required?

No

☒ Yes

Language: SPANISH

DISTRICT OF SOUTHERN DISTRICT OF FLORIDA

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

April 2, 2018

Date

UNITED STATES MAGISTRATE JUDGE



RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED	PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-6127-HUNT

UNITED STATES OF AMERICA,

Plaintiff,

v.

GUSTAVO YABRUDI,

Defendant.

DETENTION ORDER

Pursuant to 18 U.S.C. § 3142(f), on April 2, 2018, the undersigned held a hearing to determine whether the Defendant GUSTAVO YABRUDI should be detained prior to trial. Having considered the factors enumerated in 18 U.S.C. § 3142(g), this Court finds that no condition or combination of conditions will reasonably assure the Defendant's appearance at trial. Therefore, it is hereby ordered that the Defendant Gustavo Yabrudi be detained prior to trial and until the conclusion thereof.

In accordance with the provisions of 18 U.S.C. § 3142(i), the Court hereby makes the following findings of fact and statement of reasons for the detention:

1. 18 U.S.C. § 3142(g)(1) -- Nature and Circumstances of the Offense.

The Defendant is charged by way criminal complaint¹ with conspiracy to commit money

¹ The complaint originates in the Eastern District of Texas. The undersigned held a removal hearing together with the detention hearing, and ordered Defendant removed to

laundering in violation of 18 U.S.C. § 1956(h). This charge carries a maximum penalty of twenty years' imprisonment. There is no rebuttable presumption in this case, nor is the charge normally an "eligible" charge for a pretrial detention request under 18 U.S.C. § 3142(f)(1). Rather, the Government seeks detention under 18 U.S.C. § 3142(f)(2)(A), arguing that Mr. Williams poses a serious risk of flight. The Government estimates that Mr. Yabrudi's guideline range would be 235–240 months (the statutory maximum). 18 U.S.C. § 3142(g)(1).

2. **18 U.S.C. § 3142(g)(2) -- Weight of the Evidence.** The weight of the evidence against this Defendant is sufficient to establish probable cause. At the hearing, the Government proceeded by way of proffer, with DEA Task Force Officer Ralph Woods then made available for cross-examination. The evidence showed that Defendant was previously a cooperating source for the DEA in New York, Boston and Miami. He worked as a money courier for DEA, but was never involved with wire transfers. In November, 2016, he had been deactivated and was no longer authorized to work for the DEA. On November 22, 2016, Dallas DEA acting in an undercover capacity received narcotics proceeds and deposited the money in a law enforcement account. DEA then wired \$67,900.00 to Cell Network Inc. Cell Network was a cellular phone company that purchased cell phones in Miami and shipped them to Colombia for resale. Yabrudi made numerous deposits to accounts belonging to Cell Network. The owner/manager of Cell Network (Salomon Maloof) has been debriefed by DEA, and he described his relationship with Yabrudi dating back to 2012. He told DEA that Yabrudi would provide funds by wire, Texas by separate order.

checks and cash to Cell Network accounts, and that Yabrudi told him that the funds were narcotics proceeds. Maloof would then use the narcotics proceeds to purchase large numbers of cellular phones in Miami for resale in Colombia. After reselling the phones, Maloof would pay off the narcotic traffickers in Colombian pesos, as directed by Yabrudi. Maloof provided law enforcement with text messages from Yabrudi and spreadsheets from Cell Network showing numerous transactions with Yabrudi. The Government estimates the total amount of money laundered to be approximately 3.5 million dollars. 18 U.S.C. § 3142(g)(2).

3. 18 U.S.C. § 3142(g)(3) -- History and Characteristics of the Defendant. Gustavo Yabrudi was born in Venezuela in 1978. He came to the United States in 2005, and has dual citizenship in the U.S. and Venezuela. His parents and two siblings reside in Venezuela. He has another sibling residing in South Florida. He is separated from his wife, and he has two minor children. He has lived at the same address in Pembroke Pines with his girlfriend and their two children for the last four years. He graduated from high school in Venezuela. He owns and works for Flohammer Construction Company. He reports his physical health as fair, and he reports no problems with mental health or substance abuse. He has no criminal history. 18 U.S.C. § 3142(g)(3)(A)–(B).

4. 18 U.S.C. § 3142(g)(4) -- Danger to any Person or the Community. Based upon the proffered evidence, the undersigned does not find that Defendant is a danger to any other person or the community. He does, however, pose a serious risk of flight due to the long sentence he is facing if convicted, his Venezuelan citizenship, recent

travel to Venezuela, and family ties to Venezuela, a country which, the Government proffered, does not extradite its own citizens. 18 U.S.C. § 3142(f)(2)(A). 18 U.S.C. § 3142(g)(4).

5. Based upon the above findings of fact, which were supported by clear and convincing evidence, this Court specifically finds that there are no conditions or combination of conditions that reasonably will assure the Defendant's appearance in court as required. 18 U.S.C. § 3142(e).

The Court hereby directs:

(a) That the Defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practical, from persons awaiting or serving sentences or being held in custody pending appeal;

(b) That the Defendant be afforded reasonable opportunity for private consultation with counsel; and

(c) That, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the Defendant is confined deliver the Defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DONE AND ORDERED at Fort Lauderdale, Florida, this 2nd day of April, 2018.

Copies to: All counsel of record



PATRICK M. HUNT
UNITED STATES MAGISTRATE JUDGE